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Attorneys for Defendant Apple Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GINA PRIANO-KEYSER, on behalf
of herself and all others similarly
situated,

Plaintiff,

vs.

APPLE INC.,

Defendant.

Case No. 2:19-cv-09162

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

(Oral Argument Requested)

TO PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on June 17, 2019 at 9:00 a.m. or as soon thereafter as counsel may be heard, Defendant Apple Inc. (“Apple”) will and hereby does move to dismiss Plaintiff Gina Priano-Keyser’s (“Plaintiff”) Complaint filed in this action (the “Complaint”), and specifically Plaintiff’s claims for violations of the New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-1, *et seq.* (Count I), breach of express warranty (Count II), and breach of the implied warranty of merchantability (Count III) pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and 12(b)(1) for lack of subject-matter jurisdiction.

Apple bases this request for relief upon this Notice of Motion and Motion to Dismiss, the memorandum of law in support thereof, and such other argument as may be presented to the Court.

Dated: May 17, 2019

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ Allison M. Brown

ALLISON M. BROWN

Attorneys for Apple Inc.